

Panaji, 22nd October, 1981 (Asvina 30, 1903)

SERIES I No. 30

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Notification

1/47(2)/76-PER(Vol. II)

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs Notification No. F.7(11)/62-Goa dated 25th July, 1963, the Lt. Governor of Goa, Daman and Diu is pleased to make the following rules relating to recruitment to Group 'C' non-ministerial, non-Gazetted post of Technical Assistant in the Directorate of Agriculture under the Government of Goa, Daman and Diu.

1. **Short title.** — These rules may be called Government of Goa, Daman and Diu, Directorate of Agriculture, Group 'C' non-ministerial, non-Gazetted post of Technical Assistant Recruitment Rules, 1981.

2. **Application.** — These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scales of pay.** — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.** — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- (a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time;
- (b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule;
- (c) *Saving:* Nothing in these rules shall affect reservations, relaxation of age-limit and other concessions required to be provided for Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date.

6. These rules are issued in supersession of the Recruitment Rules existing for the post.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 5th October, 1981.

SCHEDULE

1	2	3	4	5	6	7	8	9	10	11	12	13
Name of the post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age & Educational & Qualifications prescribed for the direct recruit will apply in the case of promotions	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a D. P. C. exists, what is its composition and its position in making recruitment	Circumstances in which Union Public Service Commission is to be consulted in making recruitment
Technical Assistant	Four	Group 'C' Non-ministerial Non-Gazetted.	Rs. 425-15-500-EB-15-560-20-700.	Selection	Not exceeding 30 years. (Relaxable upto 5 years for Government Servants).	Essential: i) Diploma in Mechanical Engineering from a recognised Institution or equivalent. ii) About 3 years experience in maintenance of heavy Earth Moving Machinery / Agricultural implements.	Age: No Qs: Yes	Two years	By promotion, failing which by direct recruitment.	Promotion: Foreman Supervisor with three years regular service in the grade.	Group 'C' D. P. C.	N. A.

Desirable:

- i) Knowledge of Konkani and/or Marathi.

Law Department (Legal Advice)

Notification

LD/6/22/80-Legal

The following Act which was passed by the Legislative Assembly of Goa, Daman and Diu on the 9th day of October, 1980 and assented to by the President of India on 24-9-1981, is hereby published for the general information of the public.

B. S. Subbanna, Under Secretary (Drafting).

Panaji, 13th October, 1981.

The Goa, Daman and Diu (Authority for Use of Eyes for Therapeutic Purposes) Act, 1980

(Act No. 14 of 1981)

AN

ACT

to provide for the use of eyes of deceased persons for therapeutic purposes and for matters connected therewith.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa, Daman and Diu (Authority for the use of Eyes for Therapeutic Purposes) Act, 1980.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires:—

(a) "Administrator" means the Administrator of the Union territory of Goa, Daman and Diu appointed by the President under article 239 of the Constitution;

(b) "approved institution" means a hospital or teaching institution approved by the Administrator for the purposes of this Act;

(c) "near relative", in relation to a deceased person, means his wife, husband, parent, son, daughter, brother and sister and includes any other person who is related to the deceased person.—

(i) by lineal consanguinity within three degrees or by collateral consanguinity within six degrees; or

(ii) by marriage with any of the relatives aforesaid.

Explanation:— The expression "lineal consanguinity" and "collateral consanguinity" shall have the meanings respectively assigned to

them in the Indian Succession Act, Central Act 1925, and degrees of relationship 39 of 1925. shall be computed in the manner laid down in that Act or any other law for the time being in force;

(d) "prescribed" means prescribed by rules made under this Act.

3. Authority for the removal of eyes of deceased persons.—(1) If any person had, either in writing or orally, in the presence of two or more witnesses (at least one of whom is a near relative of such person) unequivocally authorised, at any time before his death, the use of his eyes, after his death, for therapeutic purposes (such person being hereinafter referred to in this section as the "donor"), the person lawfully in possession of the dead body of the donor shall, unless he has any reason to believe that the donor had subsequently revoked the authorisation aforesaid, grant, to the medical practitioner referred to in sub-section (2), all reasonable facilities for the removal, for therapeutic purposes, of the eyes from the dead body of the donor.

(2) The authority given under sub-section (1) shall be sufficient warrant for the removal, for therapeutic purposes, of the eyes from the body of the deceased person; but no such removal shall be made by any person other than a registered medical practitioner possessing a post-graduate qualification in Ophthalmology or a certificate showing that he had received training in enucleation procedure in the Ophthalmic Department of an approved institution, who had satisfied himself, before such removal, by a personal examination of the body from which eyes are to be removed, that life is extinct in such body.

Explanation:—For the purpose of this section, "registered medical practitioner" means a medical practitioner who possesses any recognised medical qualification referred to in clause (h) of section 2 of the Indian Medical Council Act, 1956, and Central Act whose name has been entered in a State 2 of 1956. Medical Register.

4. Removal of eyes not to be authorised in certain cases.—(1) No facilities shall be granted, or authority shall be given for the removal of eyes under section 3, if the person required to grant such facilities, or empowered to give such authority, has reason to believe that an inquest may be required to be held in relation to the body of the deceased person in pursuance of the provisions of any law for the time being in force.

(2) No authority for the removal of eyes from the body of a deceased person shall be given by a person to whom such body has been entrusted solely for the purpose of interment, cremation or other disposal.

5. Authority for removal of eyes in the case of unclaimed bodies in certain institutions.—(1) In the case of a dead body lying in a hospital, prison, nursing home or other like institution and not claimed by any of the near relatives of the deceased person, authority for the removal of the eyes from the dead body which so remains unclaimed may be given, subject to the provisions of sub-section (2), in the prescribed form, by the person in-charge, for

the time being, of the management or control of the hospital, prison, nursing home or other like institutions or by an employee of such hospital, prison, nursing home or other like institution, authorised or designated in this behalf by the person in the charge of management or control thereof.

(2) The authority referred to in sub-section (1) shall not be given except after the expiry of—

(i) half an hour from the time of the death of the concerned person, in cases where no facility for cold storage of the dead body is available in the hospital, prison, nursing home or other like institutions; or

(ii) two hours from the time of death of the concerned person, in cases where facility for cold storage of the dead body is available in the hospital, prison, nursing home or other like institution.

(3) No authority shall be given under sub-section (1) if the person empowered to give such authority has reason to believe that any near relative of the deceased is likely to claim the dead body even though such near relative has not come forward to claim the body of the deceased within the time specified in this behalf.

6. Authority for removal of eyes from bodies sent for the post mortem examination for medico-legal purposes.—Where the death of a person is caused by accident or any other unnatural cause, and his dead body has been sent for post mortem examination for medico-legal purposes, the person competent under this Act to give authority for the removal of eyes from such dead body may, if he has reason to believe that the eyes will not be required for any medico-legal purpose, authorise the removal for therapeutic purposes, of the eyes of such deceased person; provided that he is satisfied that the deceased person had not expressed, before his death, any objection to his eyes being used for therapeutic purposes after his death or, where he had granted an authority for the use of his eyes for therapeutic purposes after his death, such authority had not been revoked by him before his death.

7. Preservation of eyes removed from dead bodies.—After the removal of the eyes from the body of the deceased person, the medical practitioner shall take such steps for the preservation of the eyes so removed as may be prescribed.

8. Savings.—(1) Nothing in the foregoing provisions of this Act shall be construed as rendering unlawful any dealing with the body or with any part of the body of a deceased person if such dealing would have been lawful if this Act had not been passed.

(2) Neither the grant of facility or authority for the removal of eyes from the body of a deceased person in accordance with the provisions of this Act nor the removal of eyes from the body of a deceased person in pursuance of such authority shall be deemed to be an offence punishable under section 297 of the Indian Penal Code. Central Act 45 of 1860.

9. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie

against any approved institution or any person for anything which is in good faith done or intended to be done under this Act.

10. *Power to make rules.* — (1) The Administrator may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without any prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: —

(a) form in which removal of eyes of unclaimed bodies may be authorised, as required by section 5;

(b) preservation of removed eyes, as required by section 7;

(c) any other matter which is required to be, or may be, prescribed.

Secretariat,

Panaji,

Dated: 13th October, 1981.

U. D. SHARMA

Secretary to the Government
of Goa, Daman and Diu
Law Department
(Legal Advice)

Notification

7/1/81-LGL

The Essential Commodities (Special Provisions) Act, 1981 (18 of 1981) which has been passed by Parliament and assented to by the President of India on 2-9-1981 and published in Gazette of India Extraordinary, Part II, section I dated 2-9-1981 is hereby republished for the information of the public.

R. V. Durbhatkar, Under Secretary (Law).

Panaji, 7th October, 1981.

The Essential Commodities (Special Provisions) Act, 1981.

AN

ACT

to make certain special provisions by way of amendments to the Essential Commodities Act, 1955, for a temporary period for dealing more effectively with persons indulging in hoarding and blackmarketing of, and profiteering in, essential commodities and with the evil of vicious inflationary prices and for matters connected therewith or incidental thereto.

Whereas for ensuring the availability of essential commodities at fair prices, it is necessary to curb the hoarding and blackmarketing of, and profiteering in, such commodities;

And Whereas for dealing more effectively with persons indulging in such anti-social activities and the evil of vicious inflationary prices, it is necessary to make certain special provisions by way of amendments to the Essential Commodities Act, 1955, for a period of five 10 of 1955. years;

Be it enacted by Parliament in the Thirty-second Year of the Republic of India as follows: —

1. *Short title, commencement and duration.* — (1) This Act may be called the Essential Commodities (Special Provisions) Act, 1981.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States.

(3) It shall cease to have effect on the expiry of five years from the date of commencement of this Act except as respects things done or omitted to be done before such cesser of operation of this Act, and section 6 of the General Clauses Act, 1897, shall apply upon such 10 of 1897. cesser of operation of this Act as if it had then been repealed by a Central Act.

(4) References in this Act to the commencement of this Act and to the continuance in force of this Act shall be construed in relation to each State as references, respectively, to the coming into force of this Act in that State and to the continuance in force of this Act in that State.

2. *Act 10 of 1955 to have effect subject to certain special provisions for a temporary period.* — During the continuance in force of this Act, the Essential Commodities Act, 1955 (hereinafter referred to as the principal Act) shall have effect subject to the amendments specified in sections 3 to 11:

Provided that the amendments specified in sections 7 to 11 shall not apply to, or in relation to, any offence under the principal Act committed before the commencement of this Act and the provisions of the principal Act shall apply to, and in relation to, such offence as if those amendments had not been made.

3. *Amendment of section 2.* — In section 2 of the principal Act, —

(a) clause (ia) shall be re-numbered as clause (iia), and before clause (iia), as so re-numbered, the following clause shall be inserted, namely: —

“(ia) “Code” means the Code of Criminal Procedure, 1973;” and 2 of 1974.

(b) after clause (e), the following clause shall be inserted, namely: —

“(f) words and expressions used but not defined in this Act and defined in the Code shall have the meanings respectively assigned to them in that Code.”

4. *Amendment of section 6A.* — In section 6A of the principal Act, for the proviso to sub-section (2), the following proviso shall be substituted, namely: —

“Provided that in the case of any such essential commodity the retail sale price whereof has been fixed by the Central Government or a State Government under this Act or under any other law for the time being in force, the Collector may, for its equitable distribution and availability at fair prices, order the same to be sold through fair price shops at the price so fixed.”

5. *Amendment of section 6C.*— In section 6C of the principal Act, —

(a) in sub-section (1), for the words “any judicial authority appointed by the State Government concerned and the judicial authority”, the words “the State Government concerned and the State Government” shall be substituted; *

(b) in sub-section (2), for the words “such judicial authority”, the words “the State Government” shall be substituted.

6. *Amendment of section 6E.*— In section 6E of the principal Act, —

(a) for the words, figure and letter “the judicial authority appointed under section 6C”, the words, figure and letter “the State Government concerned under section 6C” shall be substituted;

(b) for the words “any other court, tribunal or authority”, the words “any court, tribunal or other authority” shall be substituted.

7. *Amendment of section 7.*— In section 7 of the principal Act, —

(a) in sub-section (1), the proviso to sub-clause (ii) of clause (a) shall be omitted;

(b) the proviso to sub-section (2) shall be omitted;

(c) the proviso to sub-section (2A) shall be omitted;

(d) sub-section (2B) shall be omitted.

8. *Amendment of section 8.*— To section 8 of the principal Act, the following proviso shall be added, namely: —

“Provided that where a person has abetted the contravention of any order for the purpose of procuring any essential commodity of the nature mentioned in sub-clause (iva) or sub-clause (v) of clause (a) of section 2 for his own use or for the use of any member of his family or for the use of any person dependent on him, and not for the purpose of carrying on any business or trade in such essential commodity, the court may, notwithstanding anything contained in section 7 and for reasons to be mentioned in the judgment, impose a sentence of fine only.”.

9. *Amendment of section 10A.*— In section 10A of the principal Act, after the word “cognizable”, the words “and non-bailable” shall be inserted.

10. *Omission of section 12.*— Section 12 of the principal Act shall be omitted.

11. *Substitution of new sections for section 12A.*— For section 12A of the principal Act, the following sections shall be substituted, namely: —

“12A. *Constitution of Special Courts.* — (1) The State Government may, for the purpose of providing speedy trial of the offences under this Act, by notification in the Official Gazette, constitute as many Special Courts as may be necessary for such area or areas as may be specified in the notification.

(2) A Special Court shall consist of a single judge who shall be appointed by the High Court upon a request made by the State Government.

Explanation.— In this sub-section, the word “appoint” shall have the meaning given to it in the *Explanation* to section 9 of the Code.

(3) A person shall not be qualified for appointment as a judge of a Special Court unless —

(a) he is qualified for appointment as a judge of a High Court, or

(b) he has, for a period of not less than one year, been a Sessions Judge or an Additional Sessions Judge.

12AA. *Offences triable by special Courts.* — (1) Notwithstanding anything contained in the Code, —

(a) all offences under this Act shall be triable only by the Special Court constituted for the area in which the offence has been committed or where there are more Special Courts than one for such area, by such one of them as may be specified in this behalf by the High Court;

(b) where a person accused of or suspected of the commission of an offence under this Act is forwarded to a Magistrate under sub-section (2) or sub-section (2A) of section 167 of the Code, such Magistrate may authorise the detention of such person in such custody as he thinks fit for a period not exceeding fifteen days in the whole where such Magistrate is a Judicial Magistrate and seven days in the whole where such Magistrate is an Executive Magistrate:

Provided that where such Magistrate considers —

(i) when such person is forwarded to him as aforesaid; or

(ii) upon or at any time before the expiry of the period of detention authorised by him;

that the detention of such person is unnecessary, he may, if he is satisfied that the case falls under the proviso to section 8, order the release of such person on bail and if he is not so satisfied, he shall order such person to be forwarded to the Special Court having jurisdiction;

(c) the Special Court may, subject to the provisions of clause (d) of this sub-section, exercise, in relation to the person forwarded to it under clause (b), the same power which a Magistrate having jurisdiction to try a case may exercise under section 167 of the Code in relation to an accused person in such case who has been forwarded to him under that section;

(d) save as aforesaid no person accused of or suspected of the commission of an offence under this Act shall be released on bail by any court other than a Special Court or the High Court:

Provided that a Special Court shall not release any such person on bail —

(i) without giving the prosecution an opportunity to oppose the application for such release unless the Special Court, for reasons to be recorded in writing, is of opinion that it is not practicable to give such opportunity; and

(ii) where the prosecution opposes the application, if the Special Court is satisfied that there appear reasonable grounds for believing

that he has been guilty of the offence concerned:

Provided further that the Special Court may direct that any such person may be released on bail if he is under the age of sixteen years or is a woman or is a sick or infirm person, or if the Special Court is satisfied that it is just and proper so to do for any other special reason to be recorded in writing;

(e) a Special Court may, upon a perusal of police report of the facts constituting an offence under this Act take cognizance of that offence without the accused being committed to it for trial;

(f) all offences under this Act shall be tried in a summary way and the provisions of sections 262 to 265 (both inclusive) of the Code shall, as far as may be, apply to such trial:

Provided that in the case of any conviction in a summary trial under this section, it shall be lawful for the Special Court to pass a sentence of imprisonment for a term not exceeding two years.

(2) When trying an offence under this Act, a Special Court may also try an offence other than an offence under this Act, with which the accused may, under the Code, be charged at the same trial:

Provided that such other offence is, under any other law for the time being in force, triable in a summary way:

Provided further that in the case of any conviction for such other offence in such trial, it shall not be lawful for the Special Court to pass a sentence of imprisonment for a term exceeding the term provided for conviction in a summary trial under such other law.

(3) A Special Court may, with a view to obtaining the evidence of any person suspected to have been directly or indirectly concerned in, or privy to, an offence under this Act, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relating to the offence and to every other person concerned whether as principal or abettor in the commission thereof and any pardon so tendered shall, for the purposes of section 308 of the Code, be deemed to have been tendered under section 307 thereof.

(4) Nothing contained in this section shall be deemed to affect the special powers of the High Court regarding bail under section 439 of the Code and the High Court may exercise such powers including the power under clause (b) of sub-section (1) of that section as if the reference to "Magistrate" in that section included also a reference to a "Special Court" constituted under section 12A.

12AB. *Appeal and revision.* — The High Court may exercise, so far as may be applicable, all the

powers conferred by Chapters XXIX and XXX of the Code on a High Court, as if a Special Court within the local limits of the jurisdiction of the High Court were a Court of Sessions trying cases within the local limits of the jurisdiction of the High Court.

12AC. *Application of Code to proceedings before a Special Court.* — Save as otherwise provided in this Act, the provisions of the Code (including the provisions as to bail and bonds) shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Sessions and the person conducting a prosecution before a Special Court, shall be deemed to be a Public Prosecutor.

Notification

7/1/81-LGL

The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1981 (21 of 1981) which has been passed by Parliament and assented to by the President of India on 4-9-1981 and published in Gazette of India Extraordinary, Part II, section I dated 4-9-1981 is hereby republished for the information of the public.

R. V. Durbhatkar, Under Secretary (Law).

Panaji, 7th October, 1981.

The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1981

AN

ACT

further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954.

Be it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

1. **Short title.** — This Act may be called the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1981.

2. **Amendment of section 8A.** — In section 8A of the Salary, Allowances and Pension of Members of Parliament Act, 1954, in sub-section (1), —

30 of 1954

(a) in the proviso, for the words "Provided that", the words "Provided further that" shall be substituted; and

(b) before the proviso as so amended, the following proviso shall be inserted, namely:—

"Provided that with effect from the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1981, any person who has served as aforesaid for a period which falls short of five years by not more than sixty days, shall also be paid a pension of three hundred rupees per mensem."